

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIN WARE,

Plaintiff

v.

M. SULLIVAN, *et al.*,

Defendants

Case No. 3:22-cv-00037-MMD-CSD

ORDER

I. DISCUSSION

On January 24, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **March 28, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of

1 time.

2 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
3 with all three required documents or pay the full \$402 filing fee on or before **March 28,**
4 **2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case
5 with the Court when Plaintiff is either able to acquire all three of the documents needed
6 to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing
7 fee.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the
9 case with the Court, under a new case number, when Plaintiff has all three documents
10 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
11 may choose not to file an application to proceed *in forma pauperis* and instead pay the
12 full filing fee of \$402 on or before **March 28, 2022** to proceed with this case.

13 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
14 will not file the complaint unless and until Plaintiff timely files a fully complete application
15 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
18 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
19 as the document entitled information and instructions for filing an *in forma pauperis*
20 application.

21 IT IS FURTHER ORDERED that on or before **March 28, 2022**, Plaintiff will either
22 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
23 administrative fee) or file with the Court:

24 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
25 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
26 signatures on page 3),

27 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
28 official (i.e. page 4 of this Court's approved form), and

1 (3) a copy of the inmate's prison or jail trust fund account statement for the
2 previous six-month period.

3 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
4 application to proceed *in forma pauperis* with all three documents or pay the full \$402
5 filing fee for a civil action on or before **March 28, 2022**, this case will be subject to
6 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
7 number, when Plaintiff has all three documents needed to file a complete application to
8 proceed *in forma pauperis* or pays the full \$402 filing fee.

9 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
10 (ECF No.1-1) but will not file it at this time.

11 DATED: January 26, 2022

12 

13 UNITED STATES MAGISTRATE JUDGE